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Attorneys for Defendant
SUMMIT FINANCIAL RESOURCES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

AIRBORN OPERATING, L.P., a Texas
limited partnership,

Plaintiff,

vs.

ERIK-A. ELECTRONICS, a California
Corporation; TAYLOR ELECTRONICS,
Inc., a business entity; form unknown;
SHARISSE LANAU; MARVIN
WILCHER; PREMIER CAPITAL
INVESTORS, a California Corporation;
PREMIER FINANCIAL ASSOCIATES,
a business entity, form unknown;
SUMMIT FINANCIAL RESOURCES,
L.P., a business entity, form unknown;
CHARISSE LANAU; and DOES 5
through 10

Defendants.

Case No. C 04-04996 JL ARB

STIPULATION REQUESTING AN ORDER
CHANGING & EXTENDING TIME TO
COMPLETE ADR NON-BINDING
ARBITRATION & ~~PROPOSED~~ ORDER

Judge: Hon. James Larson
Dept: Courtroom F, 15th Floor

1 Pursuant to Federal Rule of Civil Procedure 6(b) and Civil Local Rules 6-2 and 7-12,
2 Plaintiff AIRBORN OPERATING L.P., Defendants SHARISSE LANAUX, MARVIN
3 WILCHER, PREMIER FINANCIAL ASSOCIATES, PREMIER CAPITAL INVESTORS, and
4 SUMMIT FINANCIAL RESOURCES submit the following *Stipulation Requesting An Order*
5 *Changing & Extending Time To Complete ADR Non-Binding Arbitration*.

6 IT IS HEREBY STIPULATED by and between Plaintiff AIRBORN OPERATING L.P.
7 (“AirBorn”), Defendant SHARISSE LANAUX, Defendant MARVIN WILCHER, Defendant
8 PREMIER FINANCIAL ASSOCIATES, Defendant PREMIER CAPITAL INVESTORS, and
9 Defendant SUMMIT FINANCIAL RESOURCES by and through their respective attorneys of
10 record in order to extend the time for all non-defaulting parties to complete Court ordered non-
11 binding Arbitration, as follows:

12 1. The underlying *Complaint for Damages (Demand for Jury Trial)* was filed on
13 November 24, 2004.

14 2. The parties were assigned to mandatory Alternative Dispute Resolution at the
15 outset of this litigation in November 2004.

16 3. On June 8, 2005, Plaintiff AIRBORN OPERATING L.P. filed a motion to amend
17 its original complaint to join newly discovered additional party Defendants PREMIER CAPITAL
18 INVESTORS, PREMIER FINANCIAL ASSOCIATES, AMBASSADOR ELECTRONICS,
19 SUMMIT FINANCIAL RESOURCES, and CHARISSE LANAUX. Such motion noticed a
20 hearing date of July 20, 2005.

21 4. On August 2, 2005, Judge Larson granted Plaintiff’s AIRBORN’s motion to
22 amend without the necessity of hearing. Defendants PREMIER CAPITAL INVESTORS,
23 PREMIER FINANCIAL ASSOCIATES, SHARISSE LANAUX, and MARVIN WILCHER filed
24 answers to the first amended complaint on November 7, 2005 and Defendant SUMMIT
25 FINANCIAL RESOURCES answered on December 12, 2005.

26 5. The ADR non-binding Arbitration deadline in the above captioned matter was
27 January 31, 2006.

28 6. Pursuant to the January 24, 2006 teleconference coordinated and initiated by this

1 Court's ADR Unit, the undersigned Plaintiff and Defendants and Arbitrator Thomas LoSavio
2 stipulated to continue the deadline to complete the Court ordered non-binding Arbitration and to
3 file such Stipulation with the Court before February 3, 2006.

4 7. Because of the issues surrounding the various individual and business entity
5 defendants, assorted motions, and the recent joinder of Defendants PREMIER FINANCIAL
6 ASSOCIATES, PREMIER CAPITAL INVESTORS, CHARISSE LANAUX and SUMMIT
7 FINANCIAL RESOURCES, 1) the parties have not yet participated in a case management
8 conference, 2) the original parties' June 1, 2005 Joint Case Management Statement and Proposed
9 Order are out-dated; 3) no current case management order is in place, 4) the parties proposed
10 discovery plan has not been approved and ordered by the Court, and 5) as a result no formal
11 discovery has taken place.

12 8. A stipulation requesting an order changing time for completion of the ADR non-
13 binding Arbitration deadline is necessary because of calendaring, case management, and
14 discovery issues detailed in Paragraphs 1-7 of this Stipulation.

15 9. The undersigned Plaintiff and Defendants do freely stipulate to complete Court
16 ordered non-binding Arbitration before July 31, 2006.

17 10. The undersigned Plaintiff and Defendants do freely stipulate to cooperate in
18 choosing acceptable dates for participation in Court ordered non-binding Arbitration and
19 coordinating such dates with Arbitrator Thomas LoSavio by February 16, 2006, 1 calendar day
20 after the current February 15, 2006 case management conference.

21 11. The undersigned Plaintiff and Defendants do freely stipulate that Arbitration
22 Briefs shall be submitted 10 calendar days before the date chosen for participation in the Court
23 ordered non-binding Arbitration.

24 12. This Stipulation to request an extension of time for all non-defaulting parties to
25 complete Court ordered non-binding Arbitration shall have no other effect on the continued
26 prosecution of this matter.

27 ///

28 ///

1 Dated: February _3_, 2006

BRETT PEDERSEN & ASSOCIATES

2 By: Brett A. Pedersen
3 Brett A. Pedersen

4 Attorneys for Plaintiff
5 AIRBORN OPERATING, L.P.

6 Dated: February _2_, 2006

VAUGHT & BOUTRIS, LLP

7 By: /s/ Jon R. Vaught
8 Jon R. Vaught

9 Attorneys for Defendants
10 MARVIN WILCHER, SHARISSE LANAU, and
11 PREMIER FINANCIAL ASSOCIATES, and
12 PREMIER CAPITAL INVESTORS.

13 Dated: February _3_, 2006

SNELL & WILMER

14 By: /s/ Amy F. Sorenson
15 Amy F. Sorenson

16 Attorneys for Defendant
17 SUMMIT FINANCIAL RESOURCES.

18 Dated: February 2, 2006

Thomas J. LoSavio, Esq.

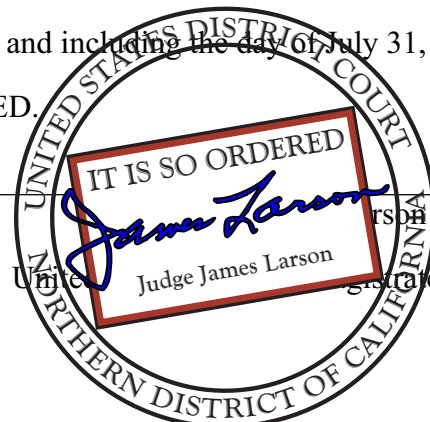
19 By: /s/ Thomas J. LoSavio
20 Thomas J. LoSavio, Esq.

21 **ORDER**

22 Upon consideration of the attached stipulation, it is ORDERED, that the said stipulation
23 be and hereby is approved and that the time for all non-defaulting parties to complete Court
24 ordered non-binding Arbitration is hereby extended to and including the day of July 31, 2006.

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: 2/7/06



1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
2 "conformed" signature (/s/) within this e-filed document.

3 Dated: February 3, 2005

BRETT PEDERSEN & ASSOCIATES

5 By: Brett A. Pedersen

6 Brett A. Pedersen

7 Attorneys for Plaintiff
8 AIRBORN OPERATING, L.P.